

REMARKS

I. Introduction

Claims 2 to 11, 13 to 16, 18 to 27, 29 to 36, 38, and 41 to 48 are currently pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 2 to 9, 12 to 16, 18 to 27, 29 to 32, 34 to 36, 38, and 41 to 48 Under 35 U.S.C. § 103(a)

Claims 2 to 9, 12 to 16, 18 to 27, 29 to 32, 34 to 36, 38, and 41 to 48 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,057,874 ("Michaud") and U.S. Patent No. 5,963,264 ("Jackson"). It is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable the present claims for the following reasons.

As an initial matter, claim 12 was canceled in Applicants' response, filed May 9, 2003.

To establish a *prima facie* case of obviousness, the Office Action must demonstrate three criteria: (1) there must be some suggestion or motivation to one of ordinary skill in the art to modify a reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest each and every limitation in the claim under examination. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Claim 13 recites the following:

13. A generating device of a system for providing a transmission signal, the system controlling at least one target device, comprising:
 a command receiver receiving a command signal for use in controlling the at least one target device, the command signal being received from a command device;
 a command coder converting the command signal into a first signal, the command coder being coupled to the command receiver;
 a data receiver receiving a data signal from an input device; and
 a data coder converting the data signal into a second signal, the data coder being coupled to the data receiver;
 a modulator coupled to the command and data coders and generating the transmission signal using the first and second signals; and
 a transmitter coupled to the modulator and transmitting the transmission signal, wherein data in the command signal and data in the data signal are linked so that when the data signal is used at a receiving end of the transmission signal, the at least one target device is controlled as a function of the command signal while an output device at the receiving end provides an output as a function of the data signal.

The Office Action refers to the microprocessor 100 of Michaud as allegedly disclosing the recited command receiver. The microprocessor 100 is coupled to an electronic

storage device 102 which stores VCR control codes 108, 110. A data inserter 114 combines video and audio data with data of the microprocessor 100 for transmission to a settop terminal 20. The VCR control codes 108, 110 are used for setting up a VCR when a user selects a "SET-UP NEW VCR" option.

The Office Action admits that Michaud does not disclose an at least one target device controlled as a function of the command signal while the output device provides an output as a function of the data signal, and instead refers to Jackson as allegedly disclosing these features. However, any review of Jackson makes plain that Jackson does not disclose or suggest these features.

In Jackson, a CPU 16 directs an IR generator 23 to use a code to transmit IR signals to a VCR 38. In turn, the IR generator 23 sends signals to the VCR 38 to begin and terminate recording. To determine how to direct the IR generator 23, the CPU 16 determines an airing time of a selected program. To do so, the CPU 16 continuously monitors an EPG (Electronic Programming Guide), which is a transmitted schedule of programs and their begin and end times, and monitors which particular program a user has selected.

The EPG is not a command signal. At a receiving end of the signal, the CPU 16 may determine based on the EPG whether or not to control the VCR 38, but the EPG itself is not a signal that commands such control.

Furthermore, even if the transmitted EPG is a control signal, which it is not, nowhere does Jackson disclose or suggest controlling the VCR 38 in accordance with the EPG *while* outputting data at the TV/Monitor 36, where the output data and the EPG in accordance with which the VCR 38 is controlled are transmitted together. Instead, Jackson discusses transmission of a signal which includes an EPG and data. The data is output to the TV/Monitor 36. The EPG is compared with an EPG selection 7 stored in a memory 15. The CPU may then determine based on the comparison whether to control a VCR 38. However, nowhere does Jackson disclose that the control of the VCR 38 in accordance with the transmitted EPG takes place at the same time as when the data transmitted together with the EPG is output at the TV/Monitor 36. For example, the control of the VCR 38 may occur subsequent to such output, after a processing by the CPU of the EPG, and when a data transmitted subsequent to the transmission of the EPG is output.

Jackson further discusses transmission of signals that provide updates of an IR code list 35. Even if the IR code list is a command signal, which it is not, it is clear that the transmitted IR code list does not control VCR 38 at the same time that data transmitted together with the IR code list is output at the TV/Monitor 36. Instead, the IR code list

provides an updated list from which a user may select one of the IR codes corresponding to the particular VCR 38 being used. Then, in accordance with the user's selection, the IR generator 23 outputs IR signals when directed to do so by the CPU 16, in accordance with the EPG and user selections. The generator 23 outputs such IR signals well after data transmitted with the IR code list is output at the TV/Monitor 36.

It is noted that even if the VCR 38 is controlled while data is output at the TV/Monitor 36, this does not disclose or suggest the features recited in claim 13. Claim 13 recites that a transmission signal is generated using a signal into which a data signal is converted and a signal into which a command signal is converted, and that data of these same signals are linked so that the target device is controlled *as a function of the command signal*, and the output device provides an output *as a function of the data signal*, i.e., the same command and data signals by which the transmission signal was generated.

Neither Michaud nor Jackson, alone or in combination, discloses or suggests the control of a target device while an output device provides an output, where such control and output is performed as a function of a command signal and a data signal, respectively, that were used for generating a transmission signal.

Thus, the combination of Michaud and Jackson does not disclose or suggest all of the features recited in claim 13. It is therefore respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claim 13.

Claim 16 relates to a control device of a system that controls at least one target device, and includes subject matter similar to that of claim 13. It is therefore respectfully submitted that claim 16 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 13.

Claim 27 relates to a method for controlling at least one target device, and includes subject matter similar to that of claim 13. It is therefore respectfully submitted that claim 27 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 13.

Claim 34 relates to a method for controlling at least one target device, and includes subject matter similar to that of claim 13. It is therefore respectfully submitted that claim 34 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 13. In particular, the combination of Michaud and Jackson does not disclose or suggest providing a command signal and a data signal to a first device, transmitting the command signal and the data signal to a second device, and providing by an output device an output as a function of the data signal while a target device

is controlled using the command signal. As set forth above in support of the patentability of claim 13, the EPG and the IR code list are not command signals used for controlling a target device.

Claim 38 relates to a computer-readable storage medium storing a set of instructions for implementing a control operation of at least one target device, and includes subject matter similar to that of claim 13. It is therefore respectfully submitted that claim 38 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 13.

Claim 41 relates to a communication and control system, and includes subject matter similar to that of claim 13. It is therefore respectfully submitted that claim 41 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 13.

Claim 45 relates to a method for controlling a target device, and includes subject matter similar to that of claim 13. It is therefore respectfully submitted that claim 45 is patentable over the references relied upon for at least the same reasons set forth above in support of the patentability of claim 13. In particular, the combination of Michaud and Jackson does not disclose or suggest receiving a command signal including commands associated with a content of a received data signal, and controlling a target device as a function of the commands while rendering the content associated with the commands. As set forth above in support of claim 13, the EPG and the IR code list are not command signals used for controlling a target device.

Claims 14 and 15 depend from claim 13. As set forth above in support of the patentability of claim 13, the combination of Michaud and Jackson does not disclose or suggest all of the limitations of claim 13. Accordingly, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claims 14 and 15, by virtue of these claims' dependence on claim 13. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) (any dependent claim that depends from a non-obvious independent claim is non-obvious).

Claims 18 to 26 ultimately depend from claim 16. As set forth above in support of the patentability of claim 16, the combination of Michaud and Jackson does not disclose or suggest all of the limitations of claim 16. Accordingly, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claims 18 to 26, by virtue of these claims' dependence on claim 16. *Id.*

Claims 29 to 32 ultimately depend from claim 27. As set forth above in support of the patentability of claim 27, the combination of Michaud and Jackson does not disclose or suggest all of the limitations of claim 27. Accordingly, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claims 29 to 32, by virtue of these claims' dependence on claim 27. *Id.*

Claims 35 and 36 ultimately depend from claim 34. As set forth above in support of the patentability of claim 34, the combination of Michaud and Jackson does not disclose or suggest all of the limitations of claim 34. Accordingly, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claims 35 and 36, by virtue of these claims' dependence on claim 34. *Id.*

Claims 2 to 9, and 42 to 44 ultimately depend from claim 41. As set forth above in support of the patentability of claim 41, the combination of Michaud and Jackson does not disclose or suggest all of the limitations of claim 41. Accordingly, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claims 2 to 9, and 42 to 44, by virtue of these claims' dependence on claim 41. *Id.*

Claims 46 to 48 depend from claim 45. As set forth above in support of the patentability of claim 45, the combination of Michaud and Jackson does not disclose or suggest all of the limitations of claim 45. Accordingly, it is respectfully submitted that the combination of Michaud and Jackson does not render unpatentable claims 46 to 48, by virtue of these claims' dependence on claim 45. *Id.*

In view of the foregoing, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 10, 11, and 33 Under 35 U.S.C. § 103(a)

Claims 10, 11, and 33 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Michaud, Jackson, and U.S. Patent No. 6,108,042 ("Adams et al."). It is respectfully submitted that the combination of Michaud, Jackson, and Adams et al. does not render unpatentable the present claims for the following reasons.

Claims 10 and 11 ultimately depend from and therefore include all of the limitations of claim 41. Accordingly, without passing judgment on the merits of the Office Action's assertions regarding the limitations of claims 10 and 11, it is respectfully submitted that the combination of Michaud, Jackson, and Adams et al. does not render unpatentable claims 10 and 11, by virtue of these claims' dependence on claim 41. *Id.*

Claim 33 depends from and therefore includes all of the limitations of claim 27. Accordingly, without passing judgment on the merits of the Office Action's assertions

regarding the limitations of claim 33, it is respectfully submitted that the combination of Michaud, Jackson, and Adams et al. does not render unpatentable claim 33, by virtue of this claim's dependence on claim 27. *Id.*

In view of the foregoing, withdrawal of this rejection is respectfully requested.

IV. Conclusion

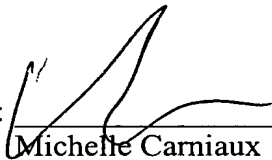
In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

Dated: _____

1 July 1985

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